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No. 1366

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 13 LGN 75, Bangalore, dated 22nd May 1975.

Ordered that the Karnataka Rent Control (Amendment) Ordinance, 1975 promulgated by the Governor of Karnataka in the Twenty-sixth year of the Republic of India, be published as Karnataka Ordinance No. 3 of 1975 in the *Karnataka Gazette*, for general information.

KARNATAKA ORDINANCE No. 3 OF 1975

THE KARNATAKA RENT CONTROL (AMENDMENT) ORDINANCE, 1975.

(Promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India and first published in the Karnataka Gazette **Extraordinary on the Twenty Second day of May 1975).**

An Ordinance further to amend the Karnataka Rent Control Act, 1961.

Whereas it is expedient further to amend the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) for the purposes hereinafter appearing;

And whereas neither House of the State Legislature is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961);

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. Short title and commencement.—(1) This Ordinance may be called the Karnataka Rent Control (Amendment) Ordinance, 1975.

(2) It shall come into force at once.

2. Amendment of section 3.—In section 3 of the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) (hereinafter referred to as the principal Act), for clause (d) , the following clause shall be substituted, namely :

" (d) ' Court ' means,—

(i) in respect of the area comprised within the City of Bangalore; and

(ii) in such other areas as the State Government may, in consultation with the High Court, by notification specify, the court of Civil Judge having territorial jurisdiction;

(iii) in respect of areas other than those referred to in sub-clauses (i) and (ii), the court of Munsiff having territorial jurisdiction;".

3. Omission of Section 48.—Section 48 of the principal Act shall be omitted.

4. Amendment of Section 49.—In Section 49 of the principal Act,—

(i) the words "or District Judge" in the two places where they occur shall be omitted;

(ii) the Explanation shall be omitted.

5. Substitution of new section for Section 50.—For Section 50 of the principal Act, the following section shall be substituted, namely:—

"**50. Revision.**—(1) The High Court may, at any time call for and examine any order passed or proceeding taken by the Court of Civil Judge under this Act or any order passed by the Controller under Section 14, 15, 16 or 17 for the purpose of satisfying itself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as it thinks fit.

(2) The District Judge may, at any time call for and examine any order passed or proceeding taken by the Court of Munsiff referred to in sub-clause (iii) of clause (d) of Section 3 for the purpose of satisfying himself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as he thinks fit.

(3) The costs of and incidental to all proceedings before the High Court or the District Judge shall be in the discretion of the High Court or the District Court, as the case may be."

6. **Disposal of pending proceedings.**—(1) As from the date of coming into force of this Ordinance or upon the issue of a notification under sub-clause (ii) of clause (d)

of section 3 of the principal Act as amended by this Ordinance, the Court of Munsiff within the jurisdiction of the Court of Civil Judge specified in sub-clause (i) or sub-clause (ii) as the case may be, of clause (d) of the said section 3 shall cease to have jurisdiction to try cases under the principal Act and all applications or proceedings in such Court of Munsiff shall stand transferred to the Court of such Civil Judge and shall be disposed of by the said Court of Civil Judge as if they had been instituted or commenced before it.

(2) Notwithstanding the omission of section 48 of the principal Act, appeals pending on the date of commencement of this Ordinance before a District Judge shall be heard and decided by the District Judge as if the said section had not been omitted and the provisions of section 49 of the principal Act as it stood before the commencement of this Ordinance shall apply to such appeals.

7. **Provisions in respect of certain cases.** - As from the date of commencement of this Ordinance,—

(i) no appeal shall lie to the District Judge against any order or decree of any court or controller under the principal Act; and

(ii) any person who but for the omission of section 48 of the principal Act could have filed an appeal to the District Judge, may, within thirty days from the date of commencement of this Ordinance prefer a petition to the District Judge and the District Judge shall dispose of such petition as if it is a revision under sub-section (2) of Section 50 of the principal Act as amended by this Ordinance

MOHANLAL SUKHADIA,
Governor of Karnataka

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and **Ex-officio**
Joint Secretary to Government,
Department of Law and Parliamentary Affairs

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